

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:09cr56**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>TONY ZANE HEAVNER,</b>	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Parties' Joint Motion to Accept Early Payment of Fine and/or Restitution (Docket #11), filed August 18, 2010. This matter is now ripe for disposition.

On January 1, 2010, Defendant pled guilty, pursuant to a plea agreement, to one count of filing a false tax return in violation of 26 U.S.C. § 7206(1). Defendant is currently awaiting sentencing on this count.

As part of his plea agreement, Defendant agreed to pay the full amount of restitution owed. Although the amount of restitution, if any, will ultimately be set by this court at the time of sentencing, the government has advised Defendant that, in its estimation, the amount of restitution owed is approximately \$76,736. Defendant is currently in possession of approximately \$70,683 in funds, which he plans to put towards the payment of any restitution, special assessment, and / or fine imposed by the Court. Defendant now wishes to place these funds into the registry of the Court.

**IT IS, THEREFORE, ORDERED THAT:**

1. Defendant is granted leave to deposit with the Court any amount of money he wishes to tender as pre-payment of any restitution, special assessment, and / or fine that may

become due in this matter after Defendant's sentence is imposed by this Court.

2. The Clerk of Court is directed to hold these funds until after Defendant's sentencing.
3. After the amount of restitution, special assessment, and / or fine owed by Defendant, if any, has been determined at sentencing, the Clerk is directed to disburse the funds to satisfy the judgment of restitution, special assessment, and / or fine imposed, if any. The Clerk is directed to apply these funds first to the payment of any assessment, second to the payment of any restitution, and lastly towards payment of any fine. The restitution payee(s) will be designated by the Court at the time of sentencing and will be named in the Court's Judgment.
4. If any funds, including any applicable interest, remain after payment in full of any restitution, special assessment, and / or fine that may be imposed at sentencing, the Clerk shall return these excess funds to Defendant.

**SO ORDERED.**

Signed: August 27, 2010



Richard L. Voorhees  
United States District Judge

